

## **REMARKS**

This application has been reviewed in light of the Final Office Action mailed December 13, 2005. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 26, 42 – 43 and 45 – 46 are pending in the application with Claim 26 being in independent form. By the present amendment, Claim 26 has been amended. No new subject matter is introduced by way of the present amendment.

### **I. Rejection of Claim 26 Under 35 U.S.C. §103(a)**

Claim 26 is rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,852,85 issued to Shimada et al. in view of U.S. Patent No. 5,818,550 issued to Kadota et al. and further in view of U.S. Patent No. 5,702,776 issued to Hayase et al.

The present Office Action alleges that Shimada discloses all the elements of independent claim 26, but acknowledges that Shimada fails to teach a flat color filter and fails to teach forming an insulating layer between the pixel electrode and the common electrode. However, it is alleged that the reference of Hayase teaches a color filter having a flat surface formed on a lower substrate. Further, it is alleged that it would be obvious to one of ordinary skill in the art to form an interlayer between two electrodes for insulating the electrodes. Therefore, the present Office Action states that the combination of the two references renders the present invention as recited in independent claim 26 obvious. In addition, Kadota is referenced in the present Office Action for modifying Shimada so that the color filter 9 is formed over a protective layer 4c.

However, the cited references fail to disclose forming a light shield on the protection layer and adjacent to the flat color filter layer, such that the light shield is positioned above each of the thin film transistors and dimensioned to entirely cover each of the thin film transistors. As shown in Applicants' FIG. 1A, the color filter 110 occupies only a portion of the protection layer

108 top surface; the remaining portion of the protection layer 108 top surface is occupied by a light shield. The light shield 111 is positioned above and fully covers the thin film transistor.

Consequently, amended Claim 26 reciting: "...forming a light shield on said protection layer and adjacent to said flat color filter layer, said light shield being positioned above each of said plural thin film transistors and dimensioned to entirely cover said each of said plural thin film transistors..." is not properly disclosed or suggested by any proper combination of Shimada et al., Kadota et al. and Hayase et al.

Therefore, for at least the reasons given above, Claim 26 is believed to be patentably distinct and allowable over the cited prior art references. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claim 26 under 35 U.S.C. § 103(a) over Shimada et al., in view of Kadota et al. and further in view of Hayase et al.

## **II. Rejection of Claims 42 and 43 Under 35 U.S.C. §103(a)**

Claims 42 and 43 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Shimada et al. in view of Kadota et al., Hayase et al. and further in view of U.S. Patent No. 6,023,317 issued to Xu et al.

## **III. Rejection of Claim 45 Under 35 U.S.C. §103(a)**

Claim 45 is rejected under 35 U.S.C. §103(a) as allegedly being obvious over Shimada et al. in view of Kadota et al., Hayase et al. and further in view of U.S. Patent No. 5,721,597 issued to Kakinuma et al.

## **IV. Rejection of Claim 46 Under 35 U.S.C. §103(a)**

Claim 46 is rejected under 35 U.S.C. §103(a) as allegedly being obvious over Shimada et al. in view of Kadota et al., Hayase et al. and further in view of U.S. Patent No. 6,181,402 issued to Shim et al.


Claims 42-43 and 45-46 depend from independent Claim 26 and thus include the limitations of that independent claim. Therefore, we believe Claims 42-43 and 45-46 would be allowable for the same reasons as Claim 26, as proposed above.

## CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 26, 42 – 43 and 45 – 46 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at the number indicated below.

Respectfully submitted,



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